

REMARKS

Reconsideration of the application is requested.

Claims 19, 21-37, and 40-45 are now in the application. Claims 19, 21-37, and 40-45 are subject to examination. Claims 19 and 21 have been amended.

Claims 40-45 have been added. Claims 20, 38, and 39 have been canceled to facilitate prosecution of the instant application.

Claim 21 has been amended to correct a minor typographical error.

Under the heading "Claim Rejections – 35 USC § 102" on page 2 of the above-identified Office Action, claims 19, 20, and 39 have been rejected as being fully anticipated by U.S. Patent No. 5,737,963 to Eckert et al. under 35 U.S.C. § 102. Applicants respectfully traverse.

The transducer housing 1 and the union ring 3 are not threaded together as the Examiner has alleged. The transducer housing 1 is supported in the union ring 3 such that the transducer housing 1 can rotate about the longitudinal axis 6 of the transducer housing 1 (please refer to column 4, line 60 through column 5, line 9 and Figs. 2 and 3 and particularly to column 5, lines 5-9). Furthermore, Eckert et al. specifically teach that there is no mechanical coupling between the transducer housing 1 and the union ring 3 in the radial direction (please see column 5, lines 21-25). Eckert et al. specifically teach that if there were such a mechanical coupling between the transducer housing 1 and the union ring 3,

then energy from the transducer would be transmitted to the container and this is undesirable (please see column 1, lines 42-60).

It should be clear that there is not an anti-rotation element as defined in claim 19.

Under the heading "Claim Rejections – 35 USC § 102" on page 2 of the above-identified Office Action, claims 19, 20, 21, 30, and 39 have been rejected as being fully anticipated by U.S. Patent No. 4,429,247 to Feldman under 35 U.S.C. § 102. The listed claims have been rejected in two separate rejections on page 2.

Feldman teaches an electrical buzzer formed by a piezoelectric audio transducer 30 and a housing 10 that mounts to a circuit board 40. The circuit board 40 has a resonant cavity formed by the volume inside a wall 59. This wall 59 has a diameter selected to match the node exhibited by the natural vibration of the piezoelectric audio transducer 30.

Applicants do not agree that the wall 59 of the circuit board 40 is a sleeve part because it functions as a supporting structure supporting the audio transducer 30 and it functions to form a resonant cavity for the audio transducer 30.

In order to advance prosecution of this case, however, claim 19 has been amended to define a piezoelectric actuator assembly. Support for the

piezoelectric actuator can be found by referring to now cancelled claim 20.

Additional support may be found by referring to the translated specification at page 7, lines 10-23. Support for the anti-rotation element that maintains a predetermined angular position as the sleeve parts are guided together may be found by referring to the original claim and to the translated specification at page 7, line 25 through page 8, line 12.

Claim 19 now includes a piezoelectric actuator for driving an injector of an injection system for an internal combustion engine. In contrast, Feldman teaches an audio transducer 30. Since the whole purpose of the wall 59 on the circuit board 40 is to form a resonant cavity with the audio transducer and to support the audio transducer 30 at a node of natural vibration, it seems unlikely that one would consider using the circuit board 40 with any other type of transducer.

Under the heading “Claim Rejections – 35 USC § 102” on page 3 of the above-identified Office Action, claim 38 has been rejected as being fully anticipated by U.S. Patent No. 6,681,462 B1 to Frank et al. under 35 U.S.C. § 102.

Claim 38 has been cancelled to advance prosecution of this case.

Finally, applicants appreciatively acknowledge the Examiner’s statement that claims 22-29 and 31-37 “would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.”

Claim 22 has been rewritten in independent form and now appears as claim 40.

Support for added claims 41-45 can be found by referring to claims 23-27 as previously presented.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 19 or 40. Claims 19 and 40 are, therefore, believed to be patentable over the art.

The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 19 or 40.

In view of the foregoing, reconsideration and allowance of claims 19, 21-37, and 40-45 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

The amount of \$200.00 is enclosed to cover the fee for presenting four dependent claims in excess of twenty.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

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